

### **REMARKS**

This paper is submitted in response to the final Office Action dated May 18, 2010, wherein claims 1-17 and 21 were rejected as (1) anticipated by Fine and (2) obvious over Krieg in view of Fine.

The applicants respectfully traverse these rejections.

The method for reprocessing plastic containers according to pending claim 1 recites three distinct steps, namely:

- (a) analyzing the degree of contamination of the plastic;
- (b) determining contamination process parameters as a function of the degree of contamination, and
- (c) conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined.

Claim 1 advantageously provides a customized decontamination process based on the specific degree of contamination of the plastic during any given reprocessing process. Specifically, the decontamination step is automatically adapted to the actual level of contamination in the plastic, after the degree of contamination is analyzed. By conducting controlled decontamination based on the adapted process parameters, excess cleaning is avoided, which yields a reprocessing operation that can be carried out highly efficiently and economically.

Contrary to the examiner's entrenched position, neither Fine nor Krieg, alone or in combination, disclose or suggest each and every feature recited in claim 1.

Fine discloses an inspection system, wherein plastic bottles and shredded material may be tested for contamination at any location in an inline process. According to the abstract, at a first location located upstream from a shredder, the bottles are tested and bottles containing gross contaminants are removed. Upon emerging from the shredder, the shredded material is tested again taking advantage of the elevated temperature caused by the shredding. Again, contaminated materials are removed. Then, the material is sent to a washer and tested after emerging from the washer. Any remaining contaminated materials are sorted from the uncontaminated supply to be used for fabrication. As such, Fine teaches a system of testing

material for contamination. The portions of the material that are contaminated are separate or removed from the supply. The remaining “uncontaminated” portion is processed according to a predetermined process methodology of shredding and washing.

The applicants respectfully submit that Fine does not disclose (1) determining contamination process parameters as a function of the degree of contamination found in an analyzing step, and (2) conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined, as recited in claim 1. Rather, Fine merely teaches the separation of contaminated material from cleaner material (See column 5, lines 64-65 and column 6, lines 18-20).

In the final Office Action, the examiner seems to assert that the following process steps, which are disclosed by Fine, can be equated to the foregoing limitations of claim 1: shredding waste, separating contaminants, employing sniffing, washing material, testing the resultant material, and using elevated temperatures. The applicants respectfully submit that while each of these items constitute process steps related to the processing of material, as disclosed in Fine, none of them constitute a “decontamination process parameter,” as recited in claim 1. There is a distinction between processes and process parameters that the examiner seems to be overlooking. A person having ordinary skill in the art understands that a process is the performance of a sequence of process steps such as shredding, separating, washing, etc. Process parameters, on the other hand, constitute variables associated with process steps such as for example, time, temperature, etc. While Fine discloses a process for reprocessing material that involves analyzing the level of contamination in the material, and performing one or more process steps – the process steps are performed completely independent of the analysis. Fine is unequivocally silent as to determining or changing any of the process parameters based on the level of contamination, as required by claim 1.

Even when interpreting the threshold according to which material is rejected or separates, Fine does not disclose that this threshold value is determined as a function of the degree of contamination found in an analyzing step. According to the teachings of Fine, all of the parameters of the separation and washing process steps are preset and constant, regardless of the threshold level of contamination.

Accordingly, Fine does not disclose determining decontamination process parameters as a function of the degree of the contamination found in the material being processed, as recited in claim 1.

Moreover, Fine is completely silent as to performing a “decontamination” process at all. The applicants respectfully submit that the term “decontamination,” as recited in claim 1, is a technical term familiar to a person having ordinary skill in the art of plastic reprocessing. Specifically, the term “decontamination” indicates that the plastic material is cleaned to remove any remaining residues of glue or similar contamination so that the plastic material can be reused to produce new plastic containers. Contrary to the assertion of the examiner, neither shredding the waste nor separating highly contaminated material constitutes a “decontamination” process. Decontamination is a process of cleaning an object to remove contamination.

In any case, simply rejecting and separating contaminated material from cleaner material does not correspond to a “decontamination” process because the material is not cleaned, but simply sorted. In contrast to cleaning, when separating contaminated material, the amount of material, and thus, the amount of plastic material which can be reprocessed, is reduced. In this context, the applicants note that when an individual is “decontaminating” clothes, for instance, the individual is not referring to the separation of contaminated clothes from uncontaminated clothes, but rather, the actual cleaning of the clothes. The same analogy holds true relative to the decontamination of a laboratory or other confined space after there has been a chemical spill, for example.

Thus, Fine simply describes a way of obtaining cleaner material but only by reducing the amount of plastic material which can be reprocessed. In distinct contrast, the “decontamination” process of claim 1 is understood in the art to include an actual cleaning of the material by removing contaminants from the material. Such a process advantageously maintains the amount of plastic material which is available for reprocessing. This is particularly advantageous as the price for raw materials are usually constantly increasing.

Based on the foregoing, the applicant respectfully requests reconsideration and withdrawal of the anticipation rejections based on Fine.

While Krieg seems to disclose a method that includes analyzing the contamination in waste plastic bottles, Krieg does not address decontamination. As such, the Office Action relies on Fine and asserts that it would have been obvious to decontaminate the contaminated material of Krieg. However, as described above, Fine itself does not even “decontaminate” the contaminated material, but rather, it simply separates it. Moreover, even if Fine did disclose decontamination and the asserted combination were proper, Krieg and Fine still fail to establish a prima facie case of obviousness because neither discloses “determining contamination process parameters as a function of the degree of contamination,” as recited in claim 1 and discussed above.

Therefore, reconsideration and withdrawal of the outstanding obviousness rejections are respectfully requested.

### CONCLUSION

Based on the foregoing, the applicants believe that each of the outstanding objections, rejections, and other concerns have been either accommodated, traversed, or rendered moot. Therefore, the application is in condition for allowance. If there are any issues that the examiner believes may be remedied by telephone conference, kindly contact the undersigned at (312) 474-6300.

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Respectfully submitted,

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